

Supreme Court of Justice (Quintana Coello et al.) v. Ecuador

ABSTRACT¹

This case is about the dismissal of twenty-seven judges of the Supreme Court of Ecuador. Despite their appointment taking place according to the law and the Constitution for an indefinite term, they were dismissed within seven years for political reasons. Ecuador admitted partial responsibility. The Court found Ecuador in violation of the American Convention because it failed to uphold the judges' right to recourse before a competent court.

I. FACTS

A. Chronology of Events

February 1997: President of Ecuador, Fabián Alarcón Rivera, is appointed as Interim President after Congress removes President Abdalá Bucaram after only 180 days in power.²

April 7, 1997: Mr. Alarcón Rivera calls for a popular referendum as an attempt to legitimize his government.³

May 25, 1997: A referendum takes place for Executive Decree No. 201, which reforms the State's institutions, including the judiciary.⁴ The Decree is affirmed and a constitutional provision is established that grants life terms to judges of the Supreme Court of Justice.⁵ Additionally, the provision allows the National Congress to appoint judges only once.⁶

1. Michelle Gonzalez, Author; Emily Williams, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 266, ¶¶ 42-43 (Aug. 23, 2013).

3. *Id.*

4. *Id.* ¶¶ 44-46.

5. *Id.* ¶ 47.

6. *Id.* ¶ 49.

October 1, 1997: A committee is created to select candidates for judges of the Supreme Court of Justice and it submits a report describing the selection process it followed when choosing fifty-four candidates.⁷ The report states that the committee considers professional merits, career and experience, and background checks.⁸

October 2, 1997: The National Congress appoints thirty-one judges to the Supreme Court of Justice, twenty-seven of which will be petitioners in subsequent proceedings before the Inter-American human rights system.⁹

October 6, 1997: The judges take office.¹⁰

November 9, 2004: Opposing parties prepare to impeach the President of the State for embezzlement.¹¹ In order to prevent the impeachment, as part of a larger political bargain, the government agrees to dismiss the judges and appoint new ones to the Supreme Court.¹² An agreement between the President of Ecuador, Lucio Gutiérrez, and the major political party, *Partido Roldosista Ecuatoriano*, leads to the National Congress's dismissal of the judges.¹³ The President faces possible impeachment due to allegations of embezzlement, and, additionally, the head of the major political party, former President Abdalá Bucaram, wants to annul criminal proceedings that the Supreme Court of Justice is hearing against him.¹⁴ The President is not a member of the party, which holds a majority in Congress, and so he works with the party to secure a parliamentary majority to avoid his impeachment.¹⁵ In return, the President will dismiss the judges on the Supreme Court of Justice and appoint new judges.¹⁶

November 25, 2004: The National Congress adopts a resolution to terminate the duties of the judges of the Supreme Court of Justice with the

7. *Id.* ¶¶ 51-52.

8. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 52.

9. *Id.* ¶¶ 1, 53.

10. *Id.*

11. *Id.* ¶ 64.

12. *Id.*

13. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, Concurring Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot, Inter-Am. Ct. H.R. (ser. C) No. 266, ¶ 15 (Aug. 23, 2013).

14. *Id.*

15. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 266, ¶ 64 (Aug. 23, 2013).

16. *Id.*

excuse that their appointment did not comply with Article 209 of the Constitution.¹⁷

December 2, 2004: The Constitutional Tribunal deems *amparo* actions — a remedy for alleged Constitutional violations — inadmissible and allows only actions for unconstitutionality — actions that simply deem laws or statutes unconstitutional with no monetary or specific remedy —¹⁸ as an attempt to deter the judges from challenging their removal.¹⁹

December 8, 2004: The National Congress removes twenty-seven judges from the Supreme Court of Justice through a parliamentary resolution.²⁰

B. Other Relevant Facts

[None]

II. PROCEDURAL HISTORY

A. Before the Commission

December 30, 2004: The twenty-seven judges that were removed from the Supreme Court of Justice of Ecuador present a petition to the Inter-American Commission on Human Rights (“the Commission”).²¹

February 27, 2007: The Commission issues Admissibility Report No. 8/07 and declares the petition admissible, except for arguments regarding Articles 23 (Right to Participate in Government) and 24 (Right to Equal Protection) of the American Convention.²²

17. *Id.* ¶ 66.

18. *Id.* ¶ 192.

19. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶¶ 68-69.

20. *Id.* ¶ 1.

21. *Id.* ¶ 2(a); The other judges include: Mr. Alfredo Contreras Villavicencio, Mr. Teodoro Coello Vásquez, Mr. Santiago Andrade Ubidia, Mr. José Julio Benítez Astudillo, Mr. Armando Bermeo Castillo, Mr. Eduardo Rito Mielles, Mr. Nicolás Castro Patiño, Mr. Galo Galarza Paz, Mr. Luis Heredia Moreno, Mr. Estuardo Hurtado Larrea, Mr. Ángel Lescano Fiallo, Mr. Galo Pico Mantilla, Mr. Jorge Ramírez Álvarez, Mr. Carlos Riofrío Corral, Mr. José Vicente Troya Jaramillo, Mr. Rodrigo Varea Áviles, Jaime Velasco Dávila, Mr. Miguel Villacís Gomez, Mr. Gonzalo Zambrano Palacios, Mr. Milton Moreno Aguirre, Mr. Arturo Donoso Castellín, Mr. Ernesto Albán Gómez, Mr. Hernán Quevedo Teráño, Mr. Jorge Andrade Lara, Mr. Clotary Salinas Montaña, and Mr. Armando Serrano Puig. *Id.*

22. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Admissibility Report, Report No. 8/07, Inter-Am. Comm’n H.R., Case No. 12.600, “Decides” ¶¶(1)-(2) (Feb. 27, 2007);

March 31, 2011: The Commission issues Report on the Merits No. 65/11, which determines the State is responsible for violations of Articles 8 (Right to a Fair Trial), 9 (Freedom from *Ex Post Facto* Laws) and 25 (Right to Judicial Protection), in relation to Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.²³ The Report includes recommendations to the State,²⁴ including: reinstating the judges, paying the judges for lost salaries and/or benefits, and adopting regulations to avoid a recurrence.²⁵

B. Before the Court

August 2, 2011: The Commission submits the case to the Court after the State failed to adopt its recommendations.²⁶

1. Violations Alleged by Commission²⁷

Article 8 (Right to a Fair Trial)

Article 9 (Freedom from *Ex Post Facto* Laws)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination) and

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims²⁸

Same Violations Alleged by Commission, plus:

Article 23 (Right to Participate in Government) and

Article 24 (Right to Equal Protection) of the American Convention.

Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 2(b).

23. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 2(c).

24. *Id.*

25. *Id.*

26. *Id.* ¶ 2(e).

27. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Admissibility Report, ¶ 42.

28. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 4; Mr. Ramiro Ávila Santamaría and Mr. David Cordero Heredia served as representatives of Mr. Quintana Coello et al. *Id.*

February 14, 2012: The State submits its answer, which contains a preliminary objection claiming domestic remedies have not been exhausted.²⁹

March 22, 2012: *Fundación Vida Solidaria* (“FVS”) submits an *amicus curiae* brief.³⁰

August 7, 2012: A group of sixty-eight people submit an *amicus curiae* brief.³¹

January 4, 2013: The Legal Clinic of the University of San Francisco in Quito submits an *amicus curiae* brief.³²

February 4, 2013: The State acknowledges partial international responsibility in relation to Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 8(2) (Right to Be Presumed Innocent), 9 (Freedom from *Ex Post Facto* Laws), 24 (Right to Equal Protection), and 25 (Right to Judicial Protection) at the public hearing.³³ Since the State concedes to partial international responsibility, the Court concludes the State’s preliminary objection is “incompatible,” as its acknowledgment of responsibility, although partial, accepts the Court’s full jurisdiction.³⁴

III. MERITS

A. *Composition of the Court*

Diego García-Sayán, President
Manuel E. Ventura Robles, Vice-President
Alberto Pérez Pérez, Judge
Eduardo Vio Grossi, Judge
Roberto F. Caldas, Judge
Humberto Antonio Sierra Porto, Judge
Eduardo Ferrer Mac-Gregor Poisot, Judge

29. *Id.* ¶¶ 5, 26.

30. *Id.* ¶ 8.

31. *Id.*

32. *Id.*

33. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 8.

34. *Id.* ¶ 29.

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

August 23, 2013: The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.³⁵

The Court found unanimously to:

Dismiss the State's preliminary objection of "failure to exhaust domestic remedies,"³⁶ because:

*The Court reasoned that the State acknowledged jurisdiction before objecting and it could not later raise a preliminary objection.*³⁷

The Court found unanimously that the State had violated:

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), in relation to Article 1(1) of the Convention, to the detriment of Mr. Quintana Coello et al.,³⁸ because:

*The State National Congress did not have the jurisdiction to terminate the judges and the judges did not have ample opportunity to assert a defense or to be heard.*³⁹ *The judges were not aware of the motion to remove them from office nor of the special session Congress held regarding their positions.*⁴⁰ *Thus, the State violated Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) of the Convention.*⁴¹

35. *Id.* ¶¶ 44-46.

36. *Id.* "Operative Paragraphs" ¶ 1.

37. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 29.

38. *Id.* "Operative Paragraphs" ¶ 2; The other judges include: Mr. Alfredo Contreras Villavicencio, Mr. Teodoro Coello Vásquez, Mr. Santiago Andrade Ubidia, Mr. José Julio Benítez Astudillo, Mr. Armando Bermeo Castillo, Mr. Eduardo rito Mieles, Mr. Nicolás Castro Patiño, Mr. Galo Galarza Paz, Mr. Luis Heredia Moreno, Mr. Estuardo Hurtado Larrea, Mr. Ángel Lescano Fiallo, Mr. Galo Pico Mantilla, Mr. Jorge Ramírez Álvarez, Mr. Carlos Riofrío Corral, Mr. José Vicente Troya Jaramillo, Mr. Rodrigo Varea Áviles, Jaime Velasco Dávila, Mr. Miguel Villacís Gomez, Mr. Gonzalo Zambrano Palacios, Mr. Milton Moreno Aguirre, Mr. Arturo Donoso Castellín, Mr. Ernesto Albán Gómez, Mr. Hernán Quevedo Teráño, Mr. Jorge Andrade Lara, Mr. Clotary Salinas Montaña, and Mr. Armando Serrano Puig. *Id.*

39. *Id.* ¶ 180.

40. *Id.* ¶ 169.

41. *Id.*

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), in relation to Article 23(1)(c) and Article 1(1) of the Convention, to the detriment of Mr. Quintana Coello et al.,⁴² because:

Article 130 of the State's 1998 Constitution denied the National Congress any authority to remove State Supreme Court justices.⁴³ Additionally, although there was an ad-hoc procedure in place to hear complaints submitted by the judges, only one investigation was executed and it was not completed because the judge resigned before the trial concluded.⁴⁴

Furthermore, while the State's Transitory Provision 25 establishes that officials appointed on August 10, 1998 shall be removed on or after January 2003,⁴⁵ here, the judges were appointed in 1997 and they were all appointed on a single occasion.⁴⁶ Additionally, when the judges were appointed, their tenure was indefinite rather than for a fixed amount of years.⁴⁷ Because of this, Transitory Provision 25 does not apply to the judges.⁴⁸

As such, the judges were not given ample opportunity to be heard because they were not notified about the Congressional session or the motion to remove them from office.⁴⁹

Article 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. Quintana Coello et al.,⁵⁰ because:

When the State's new Constitutional Tribunal received a request for amparo remedies, it ruled the only proper answer was rejection since admission would lead to additional judicial actions.⁵¹ The State has the burden of ensuring proper application of a remedy, and if there are no means to

42. *Id.* "Operative Paragraphs" ¶ 3.

43. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 159.

44. *Id.* ¶¶ 160-61.

45. *Id.* ¶ 164.

46. *Id.* ¶ 166.

47. *Id.*

48. *Id.* ¶ 167.

49. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 169.

50. *Id.* "Operative Paragraphs" ¶ 4.

51. *Id.* ¶ 189.

*execute the alleged remedy, it is illusory.*⁵²

Here, the only other remedies available were submitting a complaint before the State Court of Honor or bringing an action of unconstitutionality.⁵³ The Supreme Court justices filed a complaint before the Court of Honor; however, the Court of Honor is not a judicial body and only adheres to civil law.⁵⁴ Therefore, their attempt at an effective remedy against the State was futile, because the complaint was against the attorneys who accepted the positions after the judges were removed.⁵⁵ In order to bring an action of unconstitutionality, the justices must have had the action signed by 1,000 people or they must have received support from the Ombudsman, an official who investigates complaints, which was unlikely to occur considering the political structure at the time.⁵⁶ Additionally, an action of unconstitutionality would only determine whether the law was constitutional; it would not provide any remedy.⁵⁷ Since the Constitutional Tribunal rejected the only effective remedy – amparo – the State violated Article 25(1) (Right of Recourse Before a Competent Court) of the Convention.⁵⁸

The Court unanimously found that the State had not violated:

Article 24 (Right to Equal Protection), in relation to Article 1(1) of the Convention,⁵⁹ because:

Although the State partially acknowledged it violated Article 24 (Right to Equal Protection), the Court determined the Article was, in fact, not violated.⁶⁰ The State based its acknowledgement on the fact that the judges did not have access to amparo, but the Court concluded that preventing amparo violated Article 25 (Right to Judicial Protection), not Article 24 (Right to Equal Protection).⁶¹ Additionally, the Court noted that since the judges were arbitrarily dismissed, it was not necessary to examine

52. *Id.* ¶¶ 185-86.

53. *Id.* ¶¶ 191-92.

54. *Id.* ¶ 191.

55. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 191.

56. *Id.* ¶¶ 192-93.

57. *Id.*

58. *Id.* ¶ 194.

59. *Id.* “Operative Paragraphs” ¶ 5.

60. *Id.* ¶¶ 195, 198.

61. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 196.

*whether the new appointments constituted “arbitrary and unequal treatment.”*⁶²

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention,⁶³ because:

*The Court found that there were grounds for a hearing in front of the Supreme Court regarding complaints against judges.*⁶⁴ *Since there was a way for the judges to be heard, the Article was not violated.*⁶⁵

The Court did not rule on:

Article 8(2) (Right to Be Presumed Innocent) or Article 9 (Freedom from *Ex Post Facto* Laws) in relation to Article 1(1) of the Convention,⁶⁶ because:

*The Court found it unnecessary to assess Articles 8(2) (Right to Be Presumed Innocent) and 9 (Freedom from Ex Post Facto Laws) due to the arbitrary dismissal of the judges.*⁶⁷

C. Dissenting and Concurring Opinions

1. Concurring Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot

In a separate opinion, Judge Mac-Gregor Poisot concurred with the Court and how it considered both democracy and the importance of judicial independence when making its decision.⁶⁸ He went on to discuss the context surrounding the case, concepts of judicial independence, and how the Court failed to examine other potential violations.⁶⁹ Judge Mac-Gregor Poisot stated that examining the context is important because external forces can affect judicial independence, such as authoritarian regimes.⁷⁰ He reiterated the judgment, stating that any public authority must

62. *Id.* ¶ 197.

63. *Id.* “Operative Paragraphs” ¶ 6.

64. *Id.* ¶ 184.

65. *Id.*

66. *Id.* “Operative Paragraphs” ¶ 7.

67. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 181.

68. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, Concurring Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot, Inter-Am. Ct. H.R. (ser. C) No. 266, ¶ 12 (Aug. 23, 2013).

69. *Id.* ¶ 14.

70. *Id.* ¶ 19.

respect due process under Article 8 (Right to a Fair Trial) of the Convention,⁷¹ adding that a judge cannot have his tenure affected “in an arbitrary way.”⁷²

Judge Mac-Gregor Poisot criticized the Court because it did not examine Article 8(2) (Right to Be Presumed Innocent) or Article 9 (Freedom From *Ex Post Facto* Laws).⁷³ He explained that the Court could have analyzed these Articles to unite case law on due process and create a minimum standard of due process for applicability of the Convention.⁷⁴ Furthermore, Judge Mac-Gregor Poisot stated that the Court should have examined whether the actions of the National Congress were punitive in nature under Article 8(2) (Right to Be Presumed Innocent) and Article 9 (Freedom From *Ex Post Facto* Laws), regardless of whether the National Congress had jurisdiction to dismiss the judges.⁷⁵

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Judgment as a Form of Reparation

The Court explained that the Judgment itself was a *per se* reparation.⁷⁶

2. Publish the Judgment

The Court ordered the State to publish the official summary in the State's Official Gazette as well as in a widely circulated newspaper, and to publish the complete judgment on the State judiciary's website.⁷⁷

71. *Id.* ¶ 42.

72. *Id.* ¶ 54.

73. *Id.* ¶¶ 77–78.

74. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, Concurring Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot, ¶¶ 78–79.

75. *Id.* ¶ 93.

76. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 205.

77. *Id.* ¶ 208.

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$60,000 to each judge because they were arbitrarily removed.⁷⁸

The Court awarded \$409,985.61 for the sum that Mr. Alfonso Ernesto Albán Gómez, Mr. José Santiago Andrade Ubidia, Mr. José Julio Benítez Astudillo, Mr. Eduardo Enrique Brito Mieles, Mr. Nicolás Castro Patiño, Mr. Lucio Teodoro Coello Vázquez, Mr. Galo Miguel Galarza Paz, Mr. Luis Alberto Heredia Moreno, Mr. Ángel Ignacio Lescano Fiallo, Mr. Galo Alonso Pico Mantilla, Mr. Hernán Gonzalo Quevedo Terán, Mr. Jorge Enrique Ramírez Álvarez, Mr. Jaime Gonzalo Velasco Dávila, Mr. Miguel Elías Villacís Gómez, Mr. Gonzalo Augusto Zambrano Palacios, Mr. Jorge Aurelio Andrade Lara, Mr. Armando Bermeo Castillo, Mr. Naum Clotary Salinas Montaña, Mr. Rodrigo Varea Áviles, Mr. José Vicente Troya Jaramillo, and Mr. Estuardo Agustín Hurtado Larrea would have earned during the eighty-three months they were removed from the bench.⁷⁹

The Court awarded \$334,608.38 for the sum that Mr. Arturo Javier Donoso Castellón would have earned.⁸⁰

The Court awarded \$371,261.73 for the sum that Mr. Armando José Ramón Serrano Puig would have earned.⁸¹

The Court awarded \$442,056.30 for the sum that Mr. Hugo Quintana Coello would have earned.⁸²

The Court awarded \$395,151.24 for the sum that Mr. Carlos Javier Riofrío Corral would have earned.⁸³

The Court awarded \$369,251.36 for the sum that Mr. Alfredo Roberto Contreras Villavicencio would have earned.⁸⁴

The Court awarded \$252,401.64 for the sum that Mr. Teófilo Milton Moreno Aguirre would have earned.⁸⁵

78. *Id.* ¶ 215.

79. *Id.* ¶¶ 243, 248, 251.

80. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 249(a).

81. *Id.* ¶ 249(b).

82. *Id.* ¶ 249(c).

83. *Id.* ¶ 249(d).

84. *Id.* ¶ 249(e).

85. *Id.* ¶ 250.

2. Non-Pecuniary Damages

The Court awarded \$5,000 to each judge as compensation for non-pecuniary damages.⁸⁶

3. Costs and Expenses

The Court awarded \$15,000 to the judges' representatives, in equity, for the costs and expenses incurred relating to the litigation.⁸⁷

4. Total Compensation (including Costs and Expenses ordered):

\$12,544,428.50

C. Deadlines

The State must comply with the publishing orders within six months of the judgment.⁸⁸

The State must compensate each judge \$60,000 within one year of the judgment.⁸⁹

The State must pay the remaining pecuniary damages in three installments: the first on March 30, 2014, the second on March 30, 2015, and the third on March 30, 2016.⁹⁰

The State must pay the non-pecuniary damages within one year of the judgment.⁹¹

The State must submit a report on its compliance with the judgment within one year of the Judgment.⁹²

V. INTERPRETATION AND REVISION OF JUDGMENT

January 29, 2014: Representatives of the victims requested an interpretation of the judgment regarding the "scope of compensation" if judges

86. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, ¶ 261.

87. *Id.* ¶ 276.

88. *Id.* ¶ 208.

89. *Id.* ¶ 215.

90. *Id.* ¶ 252.

91. *Id.* ¶ 261.

92. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, "Operative Paragraphs" ¶ 12.

obtained employment after their dismissal.⁹³

*A. Composition of the Court*⁹⁴

Humberto Antonio Sierra Porto, President
Roberto F. Caldas, Vice-President
Manuel E. Ventura Robles, Judge
Eduardo Vio Grossi, Judge
Eduardo Ferrer Mac-Gregor Poisot, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodriguez, Deputy Secretary

B. Merits

The Court found unanimously that the request for interpretation was inadmissible because the representatives were asking the Court to reassess the decisions in the judgment.⁹⁵ The Court stated the purpose of requesting an interpretation of the judgment is not to amend it, but to clarify vague provisions.⁹⁶

C. Dissenting and Concurring Opinions

[None]

VI. COMPLIANCE AND FOLLOW-UP

August 21, 2014: The State did not fully comply with its obligation to pay Mr. Donoso and must complete compensation in the amount of \$334,608.38.⁹⁷ The State only partially complied with its obligation to pay Mr. Troya and must complete compensation in the amount of \$316,320.78.⁹⁸ The State only partially complied with its obligation to

93. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 280, ¶ 2 (Aug. 23, 2014).

94. *Id.* n.1; Judge Diego García Sayán excused himself from participating in the interpretation of the Judgment for reasons that are not listed. Judge Alberto Pérez Pérez excused himself from participating for reasons “beyond his control.”

95. *Id.* ¶ 20.

96. *Id.*

97. Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. ¶ 13 (Aug. 21, 2014).

98. *Id.* ¶ 15.

pay Mr. Velasco and must complete compensation in the amount of \$312,931.28.⁹⁹ The State must make the first two out of three payments to the judges by March 30, 2015.¹⁰⁰

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Supreme Court of Justice \(Quintana Coello et al.\) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 266 \(Aug. 23, 2013\).](#)

[Supreme Court of Justice \(Quintana Coello et al.\) v. Ecuador, Preliminary Objection, Merits, Reparations and Costs, Concurring Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot, Inter-Am. Ct. H.R. \(ser. C\) No. 266 \(Aug. 23, 2013\).](#)

3. Provisional Measures

[Supreme Court of Justice \(Quintana Coello et al.\) v. Ecuador, Provisional Measures, Order of the President of the Court, Inter-Am Ct. H.R. \(ser. E\) \(Dec. 20, 2012\).](#)

4. Compliance Monitoring

[Supreme Court of Justice \(Quintana Coello et al.\) v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Aug. 21, 2014\).](#)

5. Review and Interpretation of Judgment

[Supreme Court of Justice \(Quintana Coello et al.\) v. Ecuador, Interpretation of Judgment on Preliminary Objection, Merits, Reparations and](#)

99. *Id.* ¶ 17.

100. *Id.* ¶ 18.

[Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 280 \(Aug. 23, 2014\).](#)

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Supreme Court of Justice \(Quintana Coello et al.\) v. Ecuador, Admissibility Report, Report No. 8/07, Inter-Am. Comm'n H.R., Case No. 12.600 \(Feb. 27, 2007\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Supreme Court of Justice \(Quintana Coello et al.\) v. Ecuador, Report on Merits, Report No. 65/11, Inter-Am. Comm'n H.R., Case No. 12.600 \(Mar. 31, 2011\).](#)

5. Application to the Court

[Not Available]

VIII. BIBLIOGRAPHY

[Inter-American Commission on Human Rights, *Guarantees for the Independence of Justice Operators. Towards Strengthening Access to Justice and the Rule of Law in the Americas*, DOC. 44 OEA/SER.L/V/II., \(2013\), <http://www.oas.org/es/cidh/defensores/docs/pdf/Justice-Operators-2013.pdf>](#)